

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)	
SUSSEX COUNTY, DELAWARE FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	PSC DOCKET NO. 19-0181
NECESSITY TO PROVIDE WATER SERVICES)	("ELLENDALE WATER
PURSUANT TO 26 DEL. C. § 203C (FILED)	DISTRICT")
MARCH 28, 2019))	

ORDER NO. 9375

AND NOW, this 16th day of April 2019, the Delaware Public Service Commission ("Commission") determines and orders the following:

WHEREAS, Sussex County ("County") is in the process of filing an application ("Application") for a Certificate of Public Convenience and Necessity ("CPCN") for the Ellendale Water District; and

WHEREAS, 26 *Del. Admin. C.* §2002-10.7¹ requires the County to publish a Commission approved form of public notice of its Application in two newspapers of general circulation. This notice serves to inform both current customers and residents within the proposed new service territory of the application; and

WHEREAS, the County charter allows it to create water districts via a referendum process that requires multiple notifications, meetings, and a vote by the majority of the residents prior to establishing a water district; and

¹ 26 *Del. Admin. C.* §2002-10.7 provides, in pertinent part, within ten days of the filing of the application, the applicant shall also publish in two newspapers of general circulation a form of public notice of its application and shall be in a form approved by the Commission.

WHEREAS, the County charter allows the County to require all properties within an approved water district to connect to the water service once it is available; and

WHEREAS, the County has established the Ellendale water district in accordance with its charter; and

WHEREAS, as part of its referendum process for establishing a water district, the County has notified residents and land owners of the proposed water service district on several occasions, including newspaper notification, posting of notices, and direct mailings to residents; and

WHEREAS, the Commission has no jurisdiction over the County's water quality or service; and

WHEREAS, the Commission believes that an additional notice to landowners within the water district would serve no purpose and any existing customer has had ample notification of the County's intent to provide water service within the Ellendale area; and

WHEREAS, 26 *Del. Admin. C.* §2002-1.5 allows the Commission to waive any obligation under its regulations that is not required by statute; and

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE
VOTE OF NO FEWER THAN THREE COMMISSIONERS:**

1. The Commission determines that, in this particular instance as more fully described above, and specifically in a docket for a CPCN for the County's approved Ellendale water district, the newspaper notification required by 26 *Del. Admin. C.* §2002-10.1 would not be material to its decision to grant or deny a CPCN to the County and such notice is not required by Statute.

2. As allowed under 26 *Del. Admin. C.* §2002-1.5 the Commission waives the newspaper notification required by 26 *Del. Admin. C.* §2002-10.1 for a CPCN application filed by the County for its Ellendale water district.

3. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Chairman

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Secretary